

1 Q And isn't it correct that you've never been advised
2 by the attorneys representing NMTV and Trinity that they were
3 a conflict -- that there was a conflict of interest point?

4 A No, they never stated that they felt they were at a
5 conflict of interest point. They did make a statement that if
6 the board felt that way, that they were willing to separate.

7 Q And the board discussed this and concluded there was
8 no conflict, am I correct?

9 A That's correct.

10 Q And who was present when that discussion occurred?

11 A To my knowledge, Dr. Crouch, Jane Duff, myself, I
12 don't remember another board meeting -- I mean, another board
13 of directors meeting.

14 Q Wasn't Mr. Juggert present?

15 A Mr. Juggert was present, yes.

16 Q Thank you. And you looked for Mr. -- you looked to
17 Mr. Juggert for advise on this point, didn't you?

18 A I don't recall asking him for any advise on that
19 point.

20 Q Well, what -- do you have an understanding as to why
21 Mr. Juggert was present at that meeting?

22 A Well, he's generally present at all of our board
23 meetings.

24 Q So he was there, I take it then to render advise to
25 NMTV.

1 A Yes.

2 Q Yes, and you knew then and you know now that Mr.
3 Juggert represented both NMTV and Trinity.

4 A Yes.

5 Q You don't know whether NMTV has retained the
6 services of a consulting engineering firm, do you?

7 A No, I don't.

8 Q You don't receive copies of the statements that NMTV
9 lawyers send out, do you?

10 A When you say statements, you --

11 Q Bills, invoices.

12 A Bills, no, no.

13 Q And you don't receive copies of any statements or
14 invoices from the consulting engineers that NMTV employees?

15 A No.

16 Q And you don't know who at NMTV receives the bills
17 sent by its lawyers, do you?

18 A When you put the word, do I know, no, I cannot swear
19 that I know.

20 Q And you don't know who receives the bills that are
21 sent out by NMTV's accountants, do you?

22 A No.

23 Q Or you don't know who receives the bills that are
24 sent out by NMTV's consulting engineers either, do you?

25 A No.

1 Q Now, is the name Sa -- Ben Miller a name that you
2 recognize, sir?

3 A I believe he's an employee.

4 Q An employee of whom, sir?

5 A Of Minority Television.

6 Q And what is your understanding of what he does for
7 National Minority Television?

8 A I'm not acquainted with him.

9 Q And from whom did you receive the understanding that
10 you --

11 A I remember his name in discussion at board meetings.

12 Q But you don't know what he does for NMTV?

13 A No.

14 Q Is the name George Sebastian a name that you
15 recognize?

16 A No, I don't.

17 Q Is the name George Horvath a name that you
18 recognize?

19 A No, I don't.

20 Q Now, if I could ask you to look at your testimony in
21 this proceeding, sir, at page 27.

22 MR. SCHONMNAN: What was the number of that?

23 Q 27, now. In the middle of the page, I'm referring
24 to line --

25 A 27.

1 Q It's page 27 of your testimony, line 5, the sentence
2 subsequent to my deposition, just read it to yourself, sir,
3 and tell me when you've read it. Take as much time as you
4 need and if you need to read a sentence before or after, do
5 that, if you think you need to.

6 A Yes, I understand the sentence.

7 Q Yes, now, you -- this -- you state there in your
8 testimony that Trinity provides some services to Minority
9 Television such as engineering assistance without charge.
10 Does Trinity provide any other services to Minority Television
11 without charge, to your knowledge, sir?

12 A Yes, in that Trinity through its president which is
13 also president of Minority Television and all the workers have
14 since my knowledge of Minority Television, provided any
15 information, assistance, directions that could help with any
16 of the problems of Minority Television.

17 Q Well, what I mean more specifically, do you have
18 anything in mind as to terms of services that are provided by
19 NMTV -- excuse me, by Trinity to NMTV, to your knowledge?

20 A Program.

21 Q Programming, okay, anything else?

22 A Yes, okay, we also have the legal, we have the CPA.

23 Q Then the legal services are provided free?

24 A No, no, I wouldn't -- to my knowledge --

25 Q Well, here's what -- yes.

1 A -- whatever -- for an instance, I recall the cost --
2 a cost amount, a monthly cost amount that M -- Minority
3 Television pays to Trinity Broadcasting for Services rendered
4 such as accounting and what have you. To my knowledge I have
5 never received or heard of a bill legally but I wouldn't know
6 that because I wouldn't know if there was a legal bill sent
7 in.

8 Q I see.

9 A It had not been a board discussion, in the board
10 meetings where I've been.

11 Q What I'm trying to do, Reverend, is just to put --
12 flush out your -- the sentence of your testimony where -- and
13 look at it again if you will, where you say you were advised
14 by FCC counsel Mr. Topel that your understanding and that's
15 that your deposition was erroneous and that Trinity provides
16 some services to Minority Television such as engineering
17 assistance without charge. You state engineering assistance
18 so apparently you know that. Mr. Topel told you that.

19 A Yes.

20 Q And until Mr. Topel told you that, you didn't know
21 that.

22 A No, I didn't.

23 Q Cause at the time of your deposition you didn't know
24 that.

25 A No.

1 Q Okay, so Mr. Topel has told you that Trinity
2 provides engineering services without charges, engineering
3 assistance. My question is, are you now, as you sit here
4 today, aware of any other specific services to Minority
5 Television that are provided by N -- by TBN without charge?

6 A No specific services.

7 Q Thank you. Have you ever heard of a company called
8 Planck, P L A N C K, Technical Services?

9 A No.

10 Q And you don't know if they provide any services for
11 NMTV?

12 A No.

13 Q Have you ever heard of a company called Media
14 Services Agency?

15 A No.

16 Q And you don't know if they provide any services for
17 NMTV?

18 A No.

19 Q Pastor, I'd like to ask you to look at the document
20 that is Bureau Exhibit 125 now. Thank you. Will you study
21 that document when Mr. Topel finds it for you and tell me when
22 you've had a chance to read it? Spend as much time as you
23 need, Pastor.

24 A Yes, sir.

25 Q Okay, have you ever seen that document before?

1 A No, sir.

2 Q And now that you've read it, do you whether the
3 provisions of that document are still in effect?

4 A I have never participated in a place where we -- I
5 wouldn't say it was in effect because as you know the Odessa
6 station was sold so to say that we are still acting as their
7 accountant and what have you, I would not say it was in
8 effect. However, the document goes way beyond the time that
9 I came on the board.

10 Q Well, at the time that your deposition was taken,
11 you thought that the provisions of the document were still in
12 effect, didn't you?

13 A No, sir.

14 Q Well, at your deposition on page 87, line 14 I asked
15 you, do you know whether the provisions of that document are
16 still in effect and you answered on line 16, to my knowledge,
17 it is.

18 A Well, the to my knowledge had reference to in my
19 mind --

20 Q I see.

21 A -- that MTV, Minority Television is still using the
22 accountant and -- of TBN to help us. What I'm saying here,
23 this authorization concerning the Odessa situation would no
24 longer be involved because it's sold.

25 Q What about Portland?

1 A No -- we're -- yes, we're still using.

2 Q Well, is Trinity serving as accounting agent for
3 NMTV at the present time?

4 A We are using Trinity's accounting at the present
5 time.

6 Q Okay, well, if you'll notice this resolution says
7 that TBN is hereby authorized and empowered to act as
8 accounting agent for this corporation and my question is, is
9 it your understanding today as you sit here that Trinity is
10 serving as accounting agent for NMTV?

11 A It is my understanding as I sit here that we are
12 using the accounting firm and the accounting is being done by
13 the same accounting firm.

14 Q Oh, I see, the accounting firm is what you're
15 thinking about.

16 A That's right.

17 Q Okay. Now, do you have knowledge, sir, as to
18 whether Trinity -- internally Trinity as a corporation
19 provides accounting services for NMTV? I am not talking about
20 the outside auditors now, I'm talking about Trinity's own
21 accounting department. Do you know whether Trinity's own
22 accounting department provides any services for NMTV?

23 A To my knowledge there would be some because they
24 would handle bills and accounts and what have you.

25 Q So they are then -- cause at your deposition you

1 testified that Trinity was acting as the accounting agent for
2 NMTV.

3 A Yeah.

4 Q Is that your testimony today?

5 A It is my testimony provided that it is understood
6 that it is my understanding that they may be doing something
7 in terms of receiving bills and paying bills but the CPA that
8 goes over an auditor or what have you is the same ones at TBN
9 so that I might be thinking and speaking of two different
10 entities.

11 Q Tell me your understanding, Pastor, of what
12 accounting services Trinity internally, without reference to
13 the outside auditor, what internal accounting services Trinity
14 is providing for NMTV?

15 A I think they are -- their department, financial
16 department are receiving the accounts, receiving the bills
17 due, receiving whatever comes in and the same people who are
18 doing it at Trinity is doing it for MTV.

19 Q Now, is NMTV paying Trinity for that service?

20 A It is my understanding that whatever professional
21 services -- but, of course, that would go back to the CPA
22 audit, whatever professional services that's being done or
23 that calls to be done is paid for by M -- Minority Television.

24 Q What about the other services that you've just
25 described, the ones about the paying of the bills, etcetera,

1 etcetera, is Trinity being compensated by NMTV for providing
2 those services?

3 A I don't believe so, I don't believe so.

4 Q Now, I want to ask you a few questions about the
5 Portland station. What is your understanding as to how many
6 hours of Trinity programming the Portland station carries at
7 the present time?

8 A It would be my understanding that our regular
9 broadcast, which is generally in the evenings, would be one
10 section that they carry.

11 Q Our meaning -- when you say our, you're talking
12 about Trinity or NMTV?

13 A Oh, it is my understanding that Minority Television
14 carries the regulation nationwide three-hour broadcast. It is
15 all my understanding that there are other programs from time
16 to time that Minority Television may play on that television
17 that is, in fact, produced by TBN.

18 Q Do you know how many hours a day the Portland
19 station is on the air?

20 A No.

21 Q Do you know in 1992 whether the Portland station
22 deleted any or ref -- didn't carry any TBN programs and
23 substituted other programs?

24 A No, I don't know that they did that.

25 Q Do you know if pursuant to the terms of the

1 affiliation agreement -- and if you want to look at the
2 affiliation agreement, I'll be glad to show it to you, do you
3 know of your own knowledge how many hours a week of Trinity
4 programming the Portland station is required to carry?

5 A I don't know the exact hour, no.

6 Q Do you know the approximate?

7 A No, I don't.

8 Q Do you know how many hours a week of Trinity program
9 the Portland station carried in 1993?

10 A No, I don't.

11 Q In 1992?

12 A All of it would be guestimated, I don't want to get
13 into that.

14 Q I don't want you to -- I want you to look, Pastor,
15 if you would at Bureau Exhibit 337. Howard, would you show it
16 to him? Now, Pastor, I want you to spend as much time as you
17 need to to review the document. I want you to know that at
18 the outset -- I want to note at the outset that this document
19 was executed before you became a direct. You see on top?

20 A Um-hum.

21 Q January 2, 1991 and you didn't become a director
22 until October of 1991. So this antedates you becoming a board
23 member. Would you please spend as much time as you need to
24 read it, I have a few questions about it.

25 JUDGE CHACHKIN: Have you had an opportunity to look

1 at the document yet?

2 MR. HILL: Yes, I'm acquainted with it.

3 JUDGE CHACHKIN: Oh, I see, go ahead Mr. Cohen.

4 MR. COHEN: Thank you, thank you, Your Honor.

5 BY MR. COHEN:

6 Q Pastor, have you ever seen that document before this
7 minute?

8 A Yes, I have.

9 Q And when did you see it for the first time?

10 A At the deposition, I believe it was.

11 Q Yes, and had you seen it before the deposition?

12 A Not to my knowledge.

13 Q I showed it to you at the deposition.

14 A Yes, you did.

15 Q -- prior to that time you had never seen it.

16 A No.

17 Q Now, you've read this document, are the -- are you
18 aware as you sit here today -- strike that. The information
19 that's set forth in this document, did you learn of that
20 information for the first time when you read it at your
21 deposition?

22 A No, no, because it includes what I have said I've
23 already -- my understanding was --

24 Q Oh, I see.

25 A -- the only thing that I would point out on this

1 page that I saw for the first time was the figure amount that
2 was being charged and that would be under No. 3 --

3 Q You didn't know that.

4 A No, I don't know the figure amount, the full \$2257
5 but in terms of the services rendered by Trinity for Minority
6 Television, this just sums it up it's my understanding but
7 this was the first time I had see it in print, when you showed
8 it to me.

9 Q Now, let me ask you, when you were -- what you're
10 telling me then is you were aware of the substance of this
11 document even though you hadn't seen the document.

12 A Yes, yes.

13 Q And from whom did you receive that awareness?

14 A From the very beginning of my knowledge of TBN
15 assisting Tele -- Minority Television into coming into being.

16 Q Now, what I want to ask you about is a few questions
17 concerning the Section 2. Do you have an understanding as to
18 what the bookkeeping and accounting services are which are
19 being provided to NMTV by TBN?

20 A My understanding would be when the -- my
21 understanding when you said bookkeeping it would be totally
22 that you're taking care of the books as to spell out here
23 financial income, disbursements for Minority Television. I am
24 not aware of the extent and the volume of that.

25 Q Well, for example, let me ask you this. Do you

1 know, do you have any knowledge as to how the payroll of the
2 Portland station is processed?

3 A No.

4 Q Do you know what role NMTV plays in paying its own
5 employees and what role TBN plays?

6 A No.

7 Q Do you know what role NMTV plays in paying its own
8 bills?

9 A No.

10 Q Do you know what role Trinity plays in paying its
11 bills?

12 A No.

13 Q Do you know what role NMTV plays in paying its
14 taxes?

15 A No.

16 Q Do you know what role TBN plays in paying NMTV's
17 taxes?

18 A No.

19 Q Do you know what role NMTV plays in ordering its own
20 supplies?

21 A No.

22 Q And do you know what role Trinity plays in NMTV
23 ordering its supplies?

24 A No.

25 Q Now, do you have any knowledge sir, as to how this

1 sum of \$421.00 -- \$422.50 a month which is set forth in
2 Section 3 was arrived at?

3 A No.

4 Q It's never been told to you.

5 A No.

6 Q No one ever told you how it was arrived?

7 A No.

8 Q Do you know what the term "station rate card" means?

9 A Yes.

10 Q Have you ever seen the KT -- KNMT -- did you ever
11 see prior -- the rate card of KNMT prior to the time your
12 deposition was taken?

13 A No.

14 Q This is not in the evidence, is it, the rate card?
15 Can we go off the record for a second?

16 JUDGE CHACHKIN: Yes.

17 MR. COHEN: I don't think --

18 (Off the record.)

19 (On the record.)

20 MR. COHEN: If -- if --

21 (Off the record.)

22 (On the record.)

23 MR. COHEN: Your Honor, what we're talk -- off the
24 -- can we go off the record for a second --

25 JUDGE CHACHKIN: Please.

1 (Off the record.)

2 (On the record.)

3 MR. COHEN: Your Honor, I'd like to have marked for
4 identification as Glendale Exhibit 217, a one-page document
5 which is -- and MTTV rate card. I apologize, I don't have
6 copies, I'll make copies over the luncheon recess.

7 JUDGE CHACHKIN: The document described is marked
8 for identification as Glendale Exhibit 217 and this is the
9 rate card for Portland station?

10 MR. COHEN: Yes, sir.

11 (Whereupon, the document referred to
12 as Glendale Exhibit 217 was hereby
13 marked for identification.)

14 BY MR. COHEN:

15 Q Pastor, I want to put before you the rate card and I
16 showed that to you at your deposition, it's the same document
17 that I showed you then and I only have one question is -- do
18 you know the basis upon which that rate card was prepared?

19 A No.

20 Q Was the -- were the rates charged on the Portland
21 station ever discussed with you at a board meeting of NMTV?

22 A No.

23 MR. COHEN: Thank you. I offer Glendale Exhibit
24 217.

25 JUDGE CHACHKIN: Any objection?

1 MR. TOPEL: No, sir.

2 JUDGE CHACHKIN: Glendale Exhibit 217 is received,
3 permission is granted for purpose of making copies. Would you
4 show the -- give the reporter that copy so she can mark it as
5 the original?

6 MR. COHEN: Thank you, Your Honor. Thank you.

7 (Whereupon, the document previously
8 identified as Glendale Exhibit 217
9 was hereby received into evidence.)

10 BY MR. COHEN:

11 Q Do you know what the term "spot announcements"
12 means, sir?

13 A Yes.

14 Q Do you know whether the Portland station sells spot
15 announcements?

16 A No.

17 Q Now, you testified earlier that you met Mr.
18 McCleallan at a board meeting and he's the state --

19 MR. TOPEL: Your Honor, objection.

20 MR. HILL: No.

21 MR. TOPEL: I don't think he testified that he met
22 for the first time, I think he --

23 MR. COHEN: I didn't say for the first time.

24 JUDGE CHACHKIN: No, that he met him at a board
25 meeting.

1 MR. COHEN: I didn't say that he met him for the
2 first time.

3 MR. TOPEL: Well, that he met him --

4 JUDGE CHACHKIN: It's not for the first time.

5 MR. TOPEL: Okay.

6 JUDGE CHACHKIN: That Mr. McCleallan at the board
7 meeting.

8 MR. HILL: Yeah, present, yes.

9 MR. COHEN: You --

10 JUDGE CHACHKIN: At the one that the date was in
11 1992, wasn't it January 1992 board meeting?

12 MR. COHEN: Yes.

13 JUDGE CHACHKIN: All right, go ahead.

14 MR. COHEN: I wasn't suggesting that was the first
15 time.

16 JUDGE CHACHKIN: All right, all right, Mr. Cohen.

17 BY MR. COHEN:

18 Q You knew Mr. McCleallan when he worked for Trinity,
19 right?

20 A Yes.

21 Q And -- so meeting -- when I said met him, I meant
22 you were with him at the board meeting. Do you know what his
23 compensation is?

24 A No.

25 JUDGE CHACHKIN: How did -- what was the

1 | circumstance in which you met him at Trinity, Mr. McCleallan?

2 | MR. HILL: He was an em --

3 | JUDGE CHACHKIN: Your knowing him at Trinity, what
4 | was --

5 | MR. HILL: Yeah, he was an employee, he was an
6 | employee, he made the announcements, he's the one who says
7 | who's next on program, he was a program director, that was --
8 | that would be --

9 | JUDGE CHACHKIN: At Trinity.

10 | MR. HILL: At Trinity, yeah.

11 | JUDGE CHACHKIN: Okay.

12 | BY MR. COHEN:

13 | Q Do you know who determines Mr. McCleallan's
14 | compensation?

15 | A The board of directors and --

16 | Q The board determines it but you don't know what his
17 | salary is?

18 | A No, sir.

19 | Q Did you ever know what his salary was?

20 | A No, sir.

21 | Q And when did the board last determine his salary, do
22 | you know?

23 | A To my knowledge, prior to my coming because I -- may
24 | I --

25 | Q Yes, explain that.

1 A Because I saw the financial report but as you know
2 in CPA reports they put down their salaries and unless you ask
3 for a breakdown now the only time you see a specific list when
4 it's undertaken for the next year and we have not had a board
5 meeting where the salaries have been reviewed since that time.

6 Q Well, you were elected in October of '91, to the
7 board.

8 A Yes, that's right.

9 Q And it's your testimony then that since October of
10 1991 the board has not reviewed the salary of Mr. McCleallan.

11 A None to my knowledge.

12 Q Now, how often does the salary of McCleallan get
13 reviewed by the board?

14 A I'm not knowledgeable of that.

15 Q Are all of the employee salaries, NMTV's employees
16 salaries reviewed by the board?

17 A I'm not certain, to my knowledge, because I've never
18 participated in that.

19 Q Do you know how many employees NMTV has?

20 A An approximate amount, yes.

21 Q What do you -- what is the approximate amount?

22 A Approximately forty to fifty.

23 Q And when did you learn that?

24 A In becoming a board member.

25 Q And where -- do you know how many employees are --

1 do you know how many employees the Portland station has?

2 A I would say approximately fifteen.

3 Q And the remainder of the employees then -- the
4 difference between fifteen and fifty, where are they employed?

5 A We have low-powered stations, we have persons who
6 work contractually with these low-powered stations. They
7 would not be full-time employees but I was counting them in
8 the overall picture of what would --

9 Q So you were talking about fifty full-time and part-
10 time employees?

11 A Yes.

12 Q Okay, and it's your understanding that the Portland
13 station has how many full-time --

14 A About fifteen.

15 Q How -- let's talk about full-time employees.

16 A I would say approximately fifteen.

17 Q Fifteen full-time.

18 A Yes.

19 Q At Portland.

20 A At Portland.

21 Q Okay, so that leaves thirty-five.

22 A Yes.

23 Q And of the remaining thirty-five, how many are full-
24 time and how many are part-time?

25 A I have no knowledge.

1 Q And the thirty-five persons are employees or are
2 they contractors?

3 A Both.

4 Q And what do those persons do?

5 A If at one of our low-powered stations there is a
6 need of an engineer, he's called in. If there is a need of
7 this one or that one, he's called in but he's not full-time.

8 Q Thank you. Have you ever visited the Portland
9 station?

10 A No.

11 Q Have you ever visited any of the NMTV low-powered
12 stations?

13 A No.

14 Q Do you receive written reports concerning the
15 operation of the Portland station?

16 A Yes.

17 Q And when's the last written report you received?

18 A May I explain the written reports are received?

19 Q Well, first answer that question, if you would.

20 A From --

21 MR. TOPEL: Your Honor, I think the witness is
22 trying to get an interpreter of what Mr. Cohen means by
23 written reports, the witness wants to explain --

24 JUDGE CHACHKIN: Go ahead.

25 BY MR. COHEN:

1 Q Go ahead, go ahead, I want to be fair to --

2 A Okay, from Mr. McCleallan only those reports that he
3 had given to the board and the last one that he gave to the
4 board was in the 1992 meeting. However, I received written
5 reports from persons of the Portland area concerning the
6 operation of that station.

7 Q None-NMTV employees.

8 A No, not employees.

9 Q Yes.

10 A No.

11 Q Thank you, that's helpful. Now, but the last report
12 you received, the written re -- the last written report you
13 received from an NMTV employee concerning the Portland station
14 was at the board meeting when Mr. McCleallan participated, is
15 that correct?

16 A That was the last official report.

17 Q Thank you, and am I correct that you haven't
18 received any oral or written report from an NMTV person
19 concerning Portland, oral or written, since the time Mr.
20 McCleallan reported at the meeting?

21 A Oral, yes, I have received.

22 Q Well, at your deposition on page 103 --

23 JUDGE CHACHKIN: We're talking about reports from
24 employees at Portland.

25 MR. HILL: Oh, no, no, I received none, no oral

1 report from employees at Portland but I have received reports
2 from Portland.

3 BY MR. COHEN:

4 Q But from -- not from an NMTV people?

5 A Yes, from MTV people.

6 Q Not employees.

7 A Not employees, yes.

8 Q You mean viewers you're talking about.

9 A No.

10 Q The listeners.

11 A No, I'm talking about Jane Duff.

12 Q Oh, I see, Jane Duff, I see.

13 A Yeah.

14 Q And when did you -- so you have received a report on
15 -- from Portland from Jane Duff.

16 A Yes.

17 Q And when was that?

18 A An oral report.

19 Q When was the last time?

20 A I have -- my deposition was two months ago, I would
21 believe that it would be two weeks later that we discussed how
22 the Portland program was going because of the personal
23 interest that I had.

24 Q What about prior to your deposition?

25 A No, no, no.

1 Q You hadn't received any oral reports from Jane Duff?

2 A No.

3 Q In fact, it was in the Praise the Lord newsletter
4 that you learned about what was going on in Portland, is that
5 correct?

6 A No, no, as I said, I had a discussion with Jane
7 Duff.

8 Q Prior to the time you had the discussion with Jane
9 Duff which was recently, wasn't the Praise the Lord newsletter
10 your source of information concerning what was going on in
11 Portland?

12 A Oh, yes, from the very beginning.

13 Q And just so the record's clear, when did you get
14 this oral report from Jane Duff?

15 A About -- I'm sure we discussed it about two weeks
16 later than the -- when the deposition was.

17 Q Thank you. Now, as you sit here today, have you
18 received any information about the revenue that the Portland
19 station received in 1993?

20 A No.

21 Q Or 1992?

22 A Well, I saw the financial report of 1990 -- no, no,
23 no, no, no, I haven't, no, I haven't, because that was '91
24 report.

25 Q And as you sit here today, have you received any